

IN THE

United States Circuit Court of Appeals

For the Ninth Circuit.

D. E. WHEELER and D. W. RIDENOUR,
partners doing business under the firm
name and style of Wheeler & Ridenour,
Plaintiffs in Error,

vs.

THE COUNTY OF PLUMAS,
Defendant in Error.

FILED

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Brief for Defendant in Error.

U. S. WEBB,

Attorney for Defendant in Error.

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Defendant in Error.

No. 833.

BRIEF FOR DEFENDANT IN ERROR.

This case presents the same question as that presented for decision in *P. L. Flanigan, Plaintiff in Error, vs. The County of Sierra, Defendant in Error*, numbered 832 in this Court, in which latter case two briefs on behalf of plaintiff in error therein are on file, one by A. E. Cheney, Esq., and one by Messrs. A. E. Cheney, J. C. Campbell, W. H. Metson and Campbell, Metson & Campbell, attorneys for plaintiff in error in that case and in this.

The latter brief fairly states the facts material to this hearing, except that it is inadvertently stated that "the Court overruled the demurrer with leave to amend"

(p. 4). The demurrer was overruled with leave to *answer*.

It might also be added to the statement of facts that prior to the bringing of this action Plumas county made proper demand of defendant (plaintiff in error) that claim be paid, and that sections 3 and 4 of the ordinance are omitted, and are material.

Both of the briefs, above referred to, are answered by the brief of Mr. Frank R. Wehe, attorney for defendant in error, in said case No. 832, and by stipulation of the parties herein that brief is to stand as the brief of defendant in error in this case, and for the reasons therein stated I respectfully submit that the judgment of the Circuit Court be affirmed.

U. S. WEBB,
Attorney for Defendant in Error.